

Sixth Appellate District

San Jose, California

TUESDAY, JANUARY 20, 2009

H031283 MCALLISTER v. CALIFORNIA COASTAL COMMISSION; COUNTY OF MONTEREY et al.

Filed modification of opinion with no change in the judgment. (published)  
(Rushing, P.J., Premo, J., Elia, J.)  
Filed January 20, 2009

H031765 PEOPLE v. JOHNSON, JR.

The June 29, 2007 order imposing an indeterminate term of commitment as an SVP is reversed. Upon remand, the court is directed to dismiss the consolidated recommitment petitions that sought to extend appellant's commitment as an SVP until May 24, 2008. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed January 20, 2009

H031726 PEREZ v. GRAJALES

By the Court\*:

The application for leave to file petition for rehearing is granted. The amended petition for rehearing filed January 20, 2009, is denied.

Filed: January 20, 2009

\*Before Mihara, Acting P.J. and Duffy, J.

The following case is submitted this date:

H031721 SUNNYVALE UNIFIED SCHOOL DISTRICT v. JACOBS, et al.;  
SUNNYVALE EDUCATION ASSOCIATION, CTA/NEA

WEDNESDAY, JANUARY 21, 2009

The following case is submitted this date:

H032850 PEOPLE v. MARAVILLA

H032206 PEOPLE v. AMERICAN SURETY COMPANY

H032458 PEOPLE v. AMERICAN SURETY COMPANY

The judgment is reversed. The matter is remanded to the trial court for entry of an order exonerating the bond. American is entitled to its costs on appeal. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed January 21, 2009

H032310 CURTIS v. BERLINER COHEN LAW FIRM

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Duffy, J.)

Filed January 21, 2009

Sixth Appellate District

San Jose, California

Wednesday, January 21, 2009 (continued)

H032477 PEOPLE v. RAMIREZ

The judgment is modified to reflect an award of 722 days credit for time served consisting of 628 actual days and 94 days of conduct credits. As so modified, the judgment is affirmed. The trial court is directed to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

(not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed January 21, 2009

THURSDAY, JANUARY 22, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and Jossie Michel, Deputy Clerk.

H030765 PEOPLE v. PULIZZI

Cause called and argued by Jean F. Matulis appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench and Elia, J. takes the bench.

H031959 PEOPLE v. DIXON

Cause called and argued by Naresh Rajan appearing for Appellant and by Arthur Beever, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031876 PEOPLE v. ZUNIGA

Cause called and argued by Walter K. Pyle appearing for Appellant and by Scott C. Mather, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, J. leaves the bench and Mihara, J. takes the bench.

H031705 DOYLE, AS CITY ATTORNEY, ETC., ET AL. v. PACIFIC GAS AND ELECTRIC COMPANY

Cause called and argued by Shannon Smyth-Mendoza appearing for Appellants and by Kate Dyer appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

Thursday, January 22, 2009 (continued)

H032823 PEOPLE v. RIVERA

The \$1,200 restitution fine is stricken. The judgment is modified to reflect the \$200 fine originally imposed in this case. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and to deliver it to the Department of Corrections. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed January 22, 2009

The following case is submitted this date:

H033078 PEOPLE v. ULISSES A.

FRIDAY, JANUARY 23, 2009

The following cases are submitted this date:

H033101 PEOPLE v. JENSEN

H033252 PEOPLE v. D.B.

H032494 PEOPLE v. AGUILAR

H032674 PEOPLE v. DIGIACOMO

H033110 In re P.F.; D.F.C.S. v. KIRTILIA M.

The order is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., McAdams, J.)

Filed January 23, 2009

H031816 BENEFIELD et al. v. CDCR

The judgment is reversed. CDCR shall recover its appellate costs. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed January 23, 2009

H032419 JOSE COBOS ON HABEAS CORPUS

The matter is remanded to the superior court with directions to modify its order granting Jose Cobos's petition for writ of habeas corpus. The order shall be modified to direct the Governor to vacate his November 11, 2005 parole decision and to conduct a new review of the Board's decision in light of the decisions in *In re Lawrence* (2008) 44 Cal.4<sup>th</sup> 1181 and *In re Shaputis* (2008) 44 Cal.4<sup>th</sup> 1241, including consideration of all relevant statutory factors as required by California Code of Regulations, title 15, section 2281, subdivision (b). As modified, the order is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed January 23, 2009

Sixth Appellate District

San Jose, California

Friday, January 23, 2009 (continued)

H030031 IN RE JOHN DANNENBERG ON HABEAS CORPUS

Dannenberg's petition is granted. The Governor's decision is vacated, and the Board's decision is reinstated. This opinion is made final as to this court immediately upon its filing. (Cal. Rules of Court, rule 8.387(b)(3)(A).) (not published)  
(Mihara, J.; We concur: Premo, Acting P.J., McAdams, J.)  
Filed January 23, 2009